REMARKS

Upon entry of the present amendment, claims 1-3 and 6-19 will be pending in the application.

Claims 1, 2, and 16 have been amended.

Claims 4 and 5 have been canceled.

No claims have been added.

Support for the amendments to claims can be found at least in the application as filed, page 7, paragraph [0037].

The Specification has been amended as indicated above to correct a typographical error.

No new matter has been introduced by the foregoing amendments.

Amendments to and cancellation of the claims, as set forth above, are made in order to streamline prosecution in this case by limiting examination and argument to certain claimed embodiments that presently are considered to be of immediate commercial significance. Amendment or cancellation of the claims is not in any manner intended to, and should not be construed to, waive Applicants' right in the future to seek such unamended or cancelled subject matter, or similar matter (whether in equivalent, broader, or narrower form) in the present application, and any continuation, divisional, continuation-in-part, RCE, or any other application claiming priority to or through the present application, nor in any manner to indicate an intention, expressed or implied, to surrender any equivalent to the claims as pending after such amendments or cancellations

Reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

1. Rejection of claims 1-19 under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a), as obvious over U.S. Patent No. 7,056,522 to Voris et al., hereafter "Voris".

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, or knowledge generally available in the art at the time of the invention, must provide some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was make. *In re Fine*, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1998).

"A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.,* 127 S.Ct. 1727, 1741 (2007). To find obviousness, the Examiner must "identify a reason that would have prompted a person of ordinary skill in the art in the relevant field to combine the elements in the way the claimed new invention does." *Id.*

Applicants respectfully submit that the present claims, as currently amended, are patentable over Voris under 35 U.S.C §102(e)/103(a).

Regarding the Rejection under 35 U.S.C §102(e)

As currently amended, independent claim 1 recites that the at least one oligomer, at least one polymer, or at least one oligomer and at least one polymer are selected from (meth)acrylate copolymers. That is, independent claim 1 requires at least one oligomer, at least one polymer, or at least one oligomer and at least one polymer (A) selected from (meth)acrylate copolymers that contain at least one allophanate group or contain at least

one carbamate group and at least one allophanate group, and at least one thixotropic agent comprising a urea or a urea derivative prepared by reacting at least one amine, water, or at least one amine and water with at least one polyisocyanate.

Voris teaches that suitable pellet polymers are selected based on their ability to attain sufficient concentration of the active ingredient to pass it through the barrier and to have a partition coefficient with the sorbent such that a desirable release rate can be attained. Suitable polymers include, for example, polyethylene, polypropylene, polybutenes, natural rubber, polyisoprene, polyesters (such as, for example, polyethylene terephthalate and polyethylene adipate), styrene butadiene rubber, polyacrylates, polymethacrylates, and polyurethanes. (Voris, column 12, lines 6-14). Copolymers of vinyl acetate with acrylic esters also are used to make lattices that are promising for spray applications. (Voris, column 15, lines 18-20).

Nowhere does Voris teach, explicitly or inherently, (meth)acrylate copolymers that contain at least one allophanate group or contain at least one carbamate group and at least one allophanate group.

Voris teaches in column 10, lines 29-61, that two of six possible ways to form crosslinks in a polyurethane include allophanate formation (line 31) and urea (lines 48-61). Therefore, Voris is concerned with crosslinking a polyurethane to form crystalline domains, and does not teach, explicitly or inherently, (meth)acrylate copolymers that contain at least one allophanate group or contain at least one carbamate group and at least one allophanate group.

In addition, Voris does not teach, explicitly or inherently, that the (meth)acrylate copolymers that contain at least one allophanate group or contain at least one carbamate group and at least one allophanate group are part of a mixture comprising at least at least one thixotropic agent comprising a urea or a urea derivative prepared by reacting at least one amine, water, or at least one amine and water with at least one polyisocyanate.

As discussed above, Voris teaches that forming urea linkages is a possible way of crosslinking a polyurethane. Voris does not teach, explicitly or inherently, the presence

of urea compounds as part of a mixture that also comprises (meth)acrylate copolymers that contain at least one allophanate group or contain at least one carbamate group and at least one allophanate group.

Applicants respectfully assert that, since Voris does not teach all the elements of amended independent claim 1, explicitly or inherently, Voris does not anticipate the present claims. Withdrawal of this rejection is respectfully requested.

Regarding the Rejection under 35 U.S.C §103(a)

As discussed above, Voris teaches that forming allophanate and urea linkages are possible ways of crosslinking a polyurethane. Voris does not teach, suggest, or even allude to a mixture comprising at least one oligomer, at least one polymer, or at least one oligomer and at least one polymer selected from (meth)acrylate copolymers that contain at least one allophanate group or contain at least one carbamate group and at least one allophanate group, and at least one thixotropic agent comprising a urea or a urea derivative prepared by reacting at least one amine, water, or at least one amine and water with at least one polyisocyanate, as is recited in Applicants' independent claim 1, as currently amended.

In addition, upon reading Voris, one with ordinary skill in the art would not be motivated to modify a (meth)acrylate copolymer with allophanate groups and add to it a at least one thixotropic agent comprising a urea or a urea derivative prepared by reacting at least one amine, water, or at least one amine and water with at least one polyisocyanate. Also, Voris does not provide a reasonable expectation of success in so doing.

Therefore, the present claims, as currently amended, are patentable over Voris under 35 U.S.C §103(a). Withdrawal of this rejection is respectfully requested.

Applicants further traverse the remaining assertions set forth in the office action. However, since Voris fails to anticipate or render the claims obvious for at least the reasons set forth above, these assertions are moot and are therefore not specifically addressed in detail.

CONCLUSION

Applicants respectfully submit that the Application and pending claims are patentable in view of the foregoing amendments and remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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